

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ROYAL TRUCK & TRAILER SALES AND  
SERVICES, INC.,

Plaintiff,

Case No. 3:18-cv-10986-RHC-EAS

Hon. Robert H. Cleland

v

MIKE KRAFT, and KELLY MATTHEWS  
f/k/a KELLY SCHLIMMER,

Defendants.

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Anthony M. Sciara (P75778)  
Christopher A. Ferlito (P80574)  
KOTZ SANGSTER WYSOCKI, P.C.  
*Attorneys for Plaintiff*  
400 Renaissance Center, Suite 3400  
Detroit, Michigan 48243  
313.259.8300  
[asciara@kotzsangster.com](mailto:asciara@kotzsangster.com)  
[cferlito@kotzsangster.com](mailto:cferlito@kotzsangster.com)

Richard T. Hewlett (P41271)  
Salvatore J. Vitale (P75449)  
VARNUM LLP  
*Attorneys for Defendants*  
39500 High Pointe Blvd., Suite 350  
Novi, MI 48375  
248.567.7400  
[rthewlett@varnumlaw.com](mailto:rthewlett@varnumlaw.com)  
[sjvitale@varnumlaw.com](mailto:sjvitale@varnumlaw.com)

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**ADDENDUM TO DEFENDANTS' MOTION TO DISMISS**

**CONCISE STATEMENT OF ISSUES PRESENTED**

1. Should Plaintiff's claims under the Computer Fraud and Abuse Act be dismissed for failure to state a claim upon which relief may be granted, where Plaintiff failed to allege that Defendants initial access to their computers, emails, and phones was prohibited or unauthorized and failed to allege the deletion of original files?

Defendants answer: "Yes"

Plaintiff answers: "No"

2. Should the remaining state law allegations in Plaintiff's claims be dismissed for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1)?

Defendants answer: "Yes"

Plaintiff answers: "No"

**CONTROLLING OR MOST APPROPRIATE AUTHORITY**

Federal Rules of Civil Procedure 15 and 16(b)

18 U.S.C. § 1030(c)(2)(B)

*Ajuba Intern., LLC v. Saharia*, 871 F. Supp. 2d 671 (E.D.Mich. 2012)

**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2018, I electronically filed the foregoing pleadings with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record.

/s/ Salvatore J. Vitale  
Salvatore J. Vitale (P75449)